

---

## DECISION MEMO

### Nineteenmile AOP Project

USDA Forest Service, Northern Region  
Moose Creek Ranger District  
Nez Perce – Clearwater National Forests  
Idaho County, Idaho

---



#### I. Background

After having reviewed relevant data, analyses, and public comments relating to this proposal, I have decided to replace the bridge crossing Nineteenmile Creek on Selway River Road (National Forest Service Road 223) with a bottomless arch culvert.

#### II. Purpose and Need

Nineteenmile Creek is currently spanned by an under-sized timber bridge whose pilings are beginning to rot and will need to be replaced soon. In addition, the bridge span is shorter than required to allow for natural stream flow, even in low water. The project is needed to restore natural stream flows on Nineteenmile Creek and to reduce sediment delivery into the Selway River.

#### Design Specifications / Equipment

The Forest Service, in coordination with the Nez Perce Tribe, will remove the bridge that currently spans Nineteenmile Creek on Selway River Road at milepost 9, and replace it with a 14' span x 5'7" rise Structural Plate Arch culvert, approximately 50' long. A temporary bridge will be installed over the creek and an approximate 200 foot bypass road will be constructed upstream of the existing bridge to mitigate traffic delays along Selway River Road. During construction, the temporary bypass will restrict travel to a single lane. The temporary roadway and crossing will be decommissioned at the conclusion of the project, and disturbed areas will be rehabilitated with salvaged and supplemental vegetation to prevent erosion and improve riparian habitat. Riprap will be placed on either end of the culvert to provide structural integrity. Appropriate areas of streamside riprap will be rehabilitated by covering with soil and vegetation. Streambed material will be placed in the culvert to encourage aquatic organism passage. Excavators, dump trucks, skid steers and vibratory compactors will be used to accomplish the work; however, other equipment may be used where needed.

The project will be implemented in the summer of 2016 but may be extended into 2017, and is expected to take between four to six weeks.

#### Project Design Criteria

- Construction will be completed during the instream work window (July 15-August 15).
- Water diversion structures will be used to dewater the stream channel prior to and during active channel work.
- A soil erosion control plan will be implemented to prevent excess erosion.

- Existing vegetation will be preserved to the extent possible.
- Replacement structures will be filled with native materials (e.g., rocks, boulders) to simulate the stream channel bottom.
- All excess and waste materials will be hauled off-site to a designated location.
- Clump planting of shrubs and seeding will occur as part of site revegetation efforts.

### III. Rationale for Decision and Reasons for Categorically Excluding the Decision

#### Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined in 36 CFR 220.6(e)(18): *Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, (5) the on-the-ground review and discussion with District resource specialists, and (6) my review of the Biological Assessments (BA), Biological Evaluations (BE), specialists' reports, and the consultation with the US Fish and Wildlife Service and the National Marine Fisheries Service.

#### Finding of the Absence of Adverse Effects to Extraordinary Circumstances

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states, "*The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.*"

#### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

The Forest Interdisciplinary (ID) Team Botanist determined the project would have no adverse effects on listed plant and species or habitats. The project may impact Pacific dogwood, but would not cause a trend toward federal listing or reduce viability for the population or species.

The ID Team Wildlife Biologist determined the project would be not likely to adversely affect Canada lynx or its habitat. A "May adversely impact individuals or habitat" determination was made for bald

eagle, black-backed woodpecker, flammulated owl, fisher, fringed, long-eared and long-legged myotis, gray wolf, Coeur d'Alene salamander and Western (boreal) toad. However, the effects would not result in a loss of viability, nor cause a trend towards federal listing or a loss of species viability range wide.

The ID Team Fisheries Biologist determined the project would likely adversely affect Snake River Basin steelhead and its designated critical habitat. Based on project timing and fish distribution, the project may affect, but is not likely to adversely affect Snake River fall Chinook salmon or Columbia River Bull Trout and its designated critical habitat. The Forest Service consulted on the Fisheries Biological Assessment with the US Fish and Wildlife Service and the National Marine Fisheries Service. The US Fish and Wildlife Service concurred with the determination for Columbia River Bull Trout in a letter dated April 1, 2016. The National Marine Fisheries provided a Biological Opinion for the project on April 13, 2016 and determined that the project "is not likely to jeopardize the continued existence of Snake River Basin steelhead or Snake River fall Chinook salmon", nor "result in the destruction or adverse modification of designated critical habitat for Snake River Basin steelhead".

Westslope cutthroat trout, Pacific lamprey, Spring Chinook salmon, Western pearlshell mussel and their habitats may also be adversely affected; however project activities would not result in a loss of viability in the planning area, nor cause a trend to federal listing or a loss of species viability range wide. The removal of the bridge would create long-term benefits for listed and sensitive species, since it is currently a partial barrier to fish passage.

Project design and activities will comply with all terms and conditions outlined in the fisheries and wildlife consultation.

## **2. Floodplains, wetlands or municipal watersheds.**

The Forest ID Team Hydrologist determined that: (a) the project will not modify or occupy floodplains to an extent greater than already exists (complying with EO 11988); (b) the project does not propose to modify or destroy wetlands (complying with EO 11990) and (c) the project is not located within a municipal watershed. In addition, the project complies with FSH 1909.15, Chapter 30.3.2, for these three areas.

## **3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.**

The project is within the Selway River Wild and Scenic River (WSR) corridor. The Forest's WSR Administrator determined the project will have no adverse effects on free-flow conditions in the Selway River system. The project may temporarily affect the primitive recreation experience with noise and activity, but will be limited in scope and context to the area immediately adjacent to the project area and last approximately six weeks.

## **4. Inventoried roadless or potential wilderness areas.**

The project is not located within any Forest Plan or Idaho Roadless areas (36 CFR 294(c)) or potential wilderness areas; therefore, no extraordinary circumstances were identified.

## 5. Research Natural Areas.

The project area does not include land designated as a Research Natural Area; therefore, no extraordinary circumstances were identified.

## 6. American Indians and Alaska native religious or cultural sites.

An appropriate inventory has been conducted for the project and cultural resources are known to be located within the area of potential effects. The Forest Cultural Resource Specialist has made a determination that the project will have *no adverse effect* to these properties because:

- The cultural resources are not eligible for the National Register of Historic Places.

Because of the previous adequate inventory or the type location or nature of the undertaking, the Forest Service Cultural Resource Specialist has determined the above project has little likelihood to adversely affect historic properties and the Idaho State Historic Preservation Office (SHPO) has reviewed the project and concurred with his findings. The Determination of Eligibility and Effects is available in the project record.

## 7. Archaeological sites or historical properties or areas.

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no cultural resource related extraordinary circumstance exists that will significantly affect the quality of the human environment.

## IV. Interested and Affected Agencies, Organizations, and Persons Contacted

On April 1, 2015, the Nez Perce-Clearwater National Forests mailed letters to individuals, organizations, state and local agencies, and the Nez Perce and Coeur d'Alene tribes, providing information and seeking public comment. The letters, as well as any applicable responses, are contained within the project record.

## V. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find it is consistent with applicable Federal laws and regulations.

**National Forest Management Act and Nez Perce National Forest Plan:** This action is consistent with the Nez Perce National Forest Plan (USDA Forest Service 1987), as amended, and as required by the National Forest Management Act of 1976. In addition, this decision considered the best available science (36 CFR 219.35(a), Reinstatement of the 2000 Planning Rule; 74 FR 242).

**PACFISH Riparian Habitat Conservation Areas (RHCAs):** The Forest ID Team Fisheries Biologist determined the proposed project activities comply with direction regarding PACFISH and RHCAs.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency and the Idaho Department of Environmental Quality.

**Clean Water Act and State Water Quality Laws:** The Forest ID Team Hydrologist has determined this project complies with the Clean Water Act, as well as state and Federal water quality laws.

**Migratory Bird Treaty Act:** The Forest ID Team Wildlife Biologist determined the proposed actions comply with: the Migratory Bird Treaty Act; the U.S. Fish and Wildlife Service Director's Order #131, related to the applicability of the Migratory Bird Treaty Act to Federal agencies; and, Executive Order 13186, meeting Agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service.

**National Historic Preservation Act:** The Forest ID Team Heritage specialist determined that this project meets the Agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**American Indian Treaty Rights:** The Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project and determined the proposed action will not affect Nez Perce Tribe treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

**Environmental Justice:** The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American citizen, in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Prime Farm Land, Range Land, and Forest Land:** The proposed action complies with Federal Regulations for prime land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

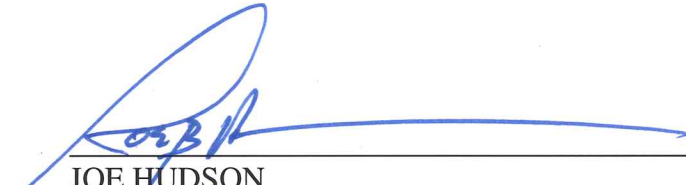
**Energy Requirements:** No unusual energy demands are required to implement the proposed action.

**Other Laws or Requirements:** The proposed action is consistent with all other Federal, stage, or local laws or requirements for the protection of the environment and cultural resources.

## VI. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater NFs Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; jjchynoweth@fs.fed.us; or, 208-935-4260, or FAX, 208-985-4275.

## VII. Signature of Deciding Officer

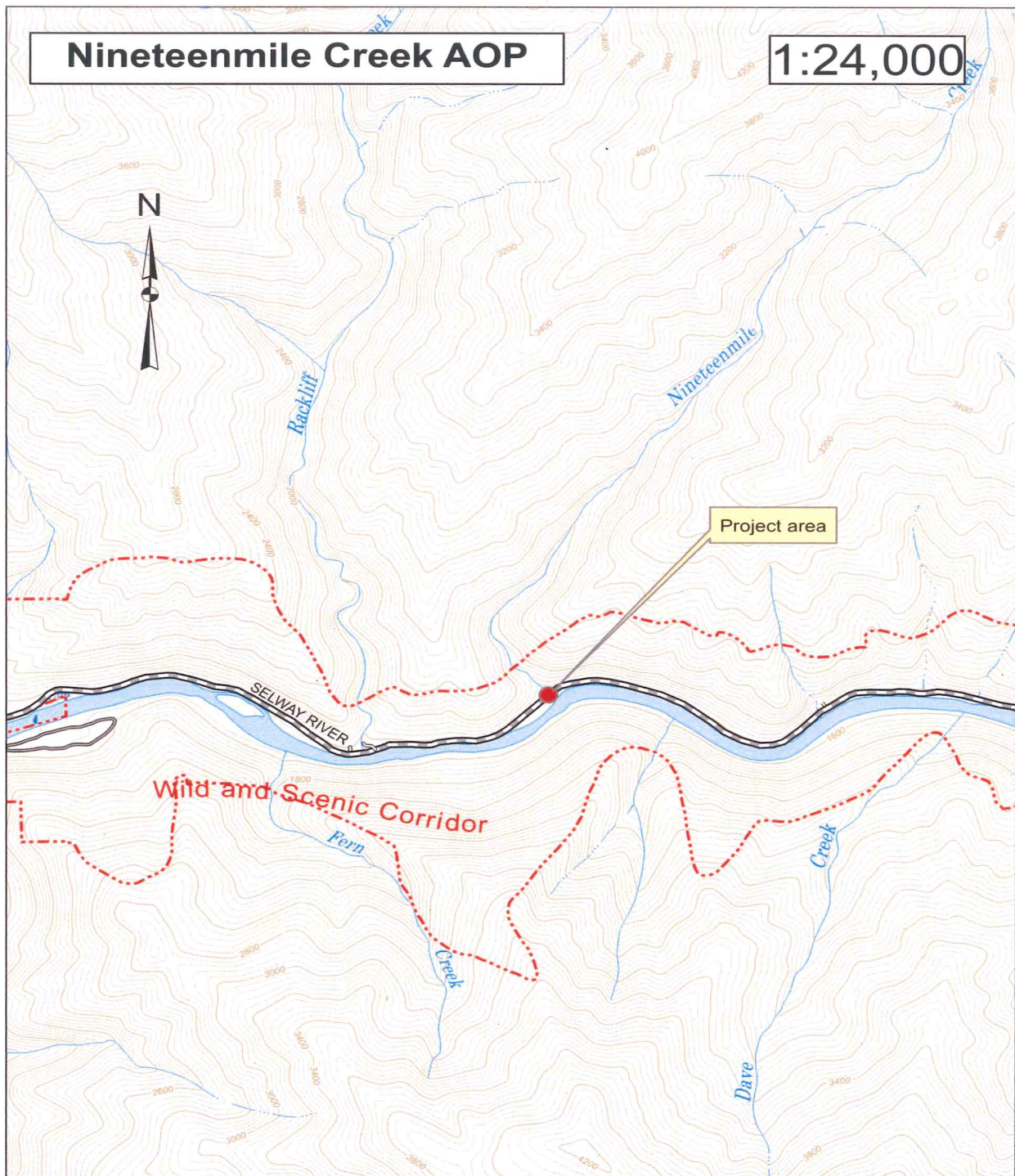
  
\_\_\_\_\_  
JOE HUDSON  
District Ranger, Moose Creek RD  
Nez Perce-Clearwater National Forests

4/14/2016  
Date

Enclosures: Map of Proposed Project  
cc: Lynelle Knehans



## Map of Nineteenmile AOP Project



---

## Appendix A

---

### Analysis of Scoping Comments

#### Nineteenmile AOP Project

Three letters and one email specific to the project were received during the scoping period of April 1, 2015 to May 1, 2015. The letters/email were analyzed and an analysis code assigned to the comments (see Table 1).

#### Comment Analysis Codes

- 1: Outside the scope of the proposed action.
- 2: Already decided by law, regulation, Forest Plan, or other higher level of decision.
- 3: Irrelevant to the decision to be made.
- 4: Conjectural and not supported by scientific evidence.
- 5: General comment, suggestion, opinion, or position statement.
- 6: Other agency or partner's consultation, review, advice, recommendation(s), etc.
- 7: Already considered in the proposed action or is standard procedure.

Codes 1 – 6 are standard codes. Comments assigned to these codes are considered to be non-significant issues. Code 7 was added as a category for those suggestions that are already proposed or for procedures that are routinely done.

**Table 1: Comment Analysis**

Commenter	Comment	Disposition
Gary Mcfarlane Friends of the Clearwater	While this proposal might be beneficial and may fit within CE parameters, the scoping letter doesn't explain how replacing a bridge with an AOP culvert, which is less desirable than a bridge in terms of passage and sediment issues, will help reduce sediment even if the bridge span is currently short.	The decision to replace the bridge with a culvert was made primarily for Wild and Scenic visual concerns. The simulated streambed that is to be installed with the bottomless culvert would essentially be the same as what would be proposed with a bridge replacement.
	What is the current span of the bridge?	The existing bridge with abutments has an eight foot span.
	How does this compare with the proposed AOP?	The new AOP will have a 14 foot span.
	Will the AOP alter the stream bed or flow dynamics in any way?	Yes. It will increase stream bed beneath the road width by approx. six feet. This will allow for improved passage of aquatic organisms, sediment, and wood. The AOP is designed to convey the 100 year flood flow.

Commenter	Comment	Disposition
Jonathan Oppenheimer, Idaho Conservations League	With regards to the Nineteenmile AOP Culvert....we do not have concerns...	Thank you for your comment.
Bernie Hermann Lewis-Clark ATV Club Inc.	The Lewis-Clark ATV Club Inc. supports the project.	Thank you for your comment.
Rod Parks	The scope of the project is acceptable to me.	Thank you for your comment.



Commenter	Comment	Disposition
Rod Parks	<p>My concerns are over ground disturbance for the temporary culvert and road, due to the increase opportunity for noxious weed infestation:</p> <ol style="list-style-type: none"> <li>1. I suggest that all equipment be required to be cleaned before entering National Forest land.</li> <li>2. Make sure that all seed is Certified Weed Seed Free for revegetated areas.</li> <li>3. Require the contractor to monitor noxious weeds infestations in the revegetated area for two years after planting.</li> <li>4. Require the contractor to treat by hand or chemical any noxious weeds present for the two year term.</li> </ol>	7